

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

2760. Misbranding of sulfur and cream tartar tablets. U. S. v. The Roosa & Ratliff Chemical Co. and John P. Roosa. Pleas of guilty. Fine of \$100 against each defendant. (F. D. C. No. 25600. Sample No. 19432-K.)

INFORMATION FILED: January 12, 1949, Southern District of Ohio, against the Roosa & Ratliff Chemical Co., a corporation, Cincinnati, Ohio, and John P. Roosa, president of the corporation.

ALLEGED SHIPMENT: On or about March 11, 1948, from the State of Ohio into the State of Indiana.

LABEL, IN PART: "R. & R. Sulphur and Cream Tartar Tablets."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article were false and misleading. These statements represented and suggested that the article possessed blood purifying properties; that it would purify the blood and would remove humors and other accumulations from the system due to sedentary life; and that it was of value in the treatment of chronic rheumatism and gout. The article did not possess blood purifying properties, and it would not be efficacious for the purposes represented.

DISPOSITION: February 4, 1949. Pleas of guilty having been entered, the court imposed a fine of \$100 against each defendant.

2761. Misbranding of blood tonic and herb tonic. U. S. v. George W. Finnell. Plea of guilty. Imposition of sentence suspended and defendant placed on probation for 2 years. (F. D. C. No. 25619. Sample Nos. 15165-K, 15938-K, 18497-K.)

INFORMATION FILED: March 15, 1949, Eastern District of Tennessee, against George W. Finnell, Decatur, Tenn.

ALLEGED SHIPMENT: On or about February 24, March 25, and April 13, 1948, from the State of Tennessee into the States of Michigan and Ohio.

PRODUCT: Analyses disclosed that the *blood tonic* was an aqueous solution of potassium iodide with a trace of an iron compound, and that the *herb tonic* was an aqueous extract and suspension of plant materials containing emodin.

LABEL, IN PART: "G. W. Finnell's Blood Tonic Dr. E. B. Gates' Prescription Contains Iron and Potassium Iodide" and "Finnell's Herb Tonic (Dr. E. B. Gates' Prescription) * * * Compounded of Rheum Palmatum, Faso Bark, Yellow Puccoon, Gall Weed, Century Plant, Phytolacca, Sarsaparilla, with 5% Salicylic Acid."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the articles were false and misleading. The statements represented and suggested that the *blood tonic* would act as a tonic for the blood and that the *herb tonic* possessed tonic properties and would be efficacious in the cure, mitigation, and treatment of diseases of the stomach, kidneys, and liver. The *blood tonic* would not act as a tonic for the blood, and the *herb tonic* did not possess tonic properties and would not be efficacious for the purposes represented.

*See also Nos. 2752, 2755, 2758, 2759.

DISPOSITION: April 22, 1949. A plea of guilty having been entered, the court suspended the imposition of sentence and placed the defendant on probation for two years. As a special condition of the probation, it was ordered that the defendant should not dispense any medicines either locally or interstate.

2762. Misbranding of Amends Solution, Primal Minerals, and Primal Vitamins. U. S. v. Roy O. Wickham. Plea of nolo contendere. Sentence of 1 year's imprisonment; sentence suspended and defendant placed on probation. (F. D. C. No. 24229. Sample Nos. 17288-H, 69860-H, 69861-H.)

INFORMATION FILED: April 20, 1948, Northern District of Indiana, against Roy O. Wickham, Mishawaka, Ind.

ALLEGED SHIPMENT: On or about June 15 and October 24, 1946, from the State of Indiana into the State of Illinois.

PRODUCT: Analyses showed that the *Amends Solution* consisted essentially of water and small amounts of potassium iodide, iodine, and organic material; and that the *Primal Minerals* consisted essentially of white compressed tablets containing calcium, phosphorus, iron, and iodine.

LABEL, IN PART: "Amends Solution," "Primal Minerals * * * Tablets * * * Ingredients: Dicalcium Phosphate, Iron and Ammonium Citrate, Copper Peptonate, Manganese Hypophosphate, Potassium Iodide, Zinc Citrate, Magnesium Oxide, and Potassium Iodide," and "Primal Vitamins * * * Capsules * * * Vitamins A, B, C, D, G, and Niacin Amide. Ingredients: Fish Liver Oil, Irradiated Ergosterol, Thiamin Hydrochloride, Riboflavin, Ascorbic Acid, and Niacin Amide."

NATURE OF CHARGE: *Amends Solution.* Misbranding, Section 502 (a), the labeling, which included accompanying letters relating to the article, was false and misleading. The labeling represented and suggested that the article would be efficacious in the cure, mitigation, and treatment of arthritis and rheumatism. The article would not be efficacious for such purposes. Further misbranding, Section 502 (e) (2), the article was not designated solely by a name recognized in an official compendium and was fabricated from two or more ingredients, and its label bore no statement of the active ingredients of the article.

Primal Minerals and Primal Vitamins. Misbranding, Section 502 (a), the labeling, which included accompanying letters relating to the articles, was false and misleading. The labeling represented and suggested that the articles in combination with each other would be efficacious in the cure, mitigation, and treatment of rheumatism and arthritis; that they would relieve pain and discomfort; and that they would be efficacious in restoring health, physical well-being, and happiness. The articles in combination with each other would not be efficacious for such purposes.

DISPOSITION: May 17, 1949. A plea of nolo contendere having been entered, the court imposed a sentence of 1 year's imprisonment. The sentence was suspended, and the defendant was placed on probation for 2½ years.

2763. Misbranding of Autry's Minerals. U. S. v. Natural Minerals Co. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 25626. Sample No. 7670-K.)

INFORMATION FILED: April 8, 1949, Southern District of California, against the Natural Minerals Co., a corporation, Los Angeles, Calif.